

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Section 63.71 Application to Discontinue)
Cable & Wireless USA, Inc. Application to) Comp. Pol. File No. 624
Discontinue Services)
)
)

ORDER

Adopted: December 26, 2002

Released: December 27, 2002

By the Chief, Wireline Competition Bureau:

1. On November 19, 2002, Cable & Wireless USA, Inc. (Cable & Wireless or Applicant) located at 8219 Leesburg Pike, Vienna, VA 22182 filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended,¹ and section 63.71 of the Commission's rules² to discontinue the provision of certain domestic telecommunications services in specified geographic areas on January 18, 2003. For the reasons indicated below, we grant the application, and allow Cable & Wireless to discontinue the provision of the requested services on January 18, 2003.

I. BACKGROUND AND DISCUSSION

2. In its application, Cable & Wireless seeks to discontinue providing domestic interstate voice telecommunications services to its dedicated access customers. According to the application, these customers are located in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, Nevada, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and in the District of Columbia. Cable & Wireless states that all affected customers were notified of this proposed discontinuance by personalized letters comporting with our requirements under section 63.71, and dated November 19, 2002.

3. By Public Notice dated November 27, 2002, the Commission notified the public that, in accordance with section 63.71(c) of the Commission's rules,³ the application would be

¹ 47 U.S.C. § 214(a).

² 47 C.F.R. § 63.71.

³ 47 C.F.R. § 63.71(c).

deemed to be automatically granted thirty-one (31) days after the release date of the notice (in this case December 27, 2002), unless the Commission notified Cable & Wireless that the grant would not be automatically effective.⁴ The Commission subsequently received thirteen comments via e-mail from parties arguing that they would not be able to transition to another carrier by December 27, 2002, and needed additional time to obtain new service.⁵ On December 18, 2002, staff from the Commission's Wireline Competition Bureau (Bureau) met with Cable & Wireless.⁶ At this meeting, Cable & Wireless indicated that it could either address all customer concerns about provisioning prior to January 18, 2003, the date that Cable & Wireless planned to discontinue the service at issue in this application, or that interim steps could be taken to ensure that there is no loss of service to end users as they migrate to new carriers.

4. Given Cable & Wireless's representations on this record, as well as the fact that customers will have had almost two months of formal notice,⁷ the Bureau has decided to grant the Cable & Wireless application. Cable & Wireless thus may discontinue voice telecommunications services to its dedicated access customers on January 18, 2003. The Bureau will monitor the progress of the transitioning of current Cable & Wireless customers as January 18, 2003 approaches.

⁴ *Comments Invited on Cable and Wireless USA, Inc.'s Application to Discontinue Domestic Telecommunications Services*, Public Notice, Comp. Pol. File No. 617, DA 02-3141 (rel. November 13, 2002).

⁵ E-mail from Raymond Cassidy, Bermuda Department of Tourism to the Commission (Nov. 22, 2002), E-mail from Scott Faxon, Vice President, Digitel Corporation, to the Commission (Nov. 25, 2002), E-mail from David Stress, McNaughton & Gunn, Inc to the Commission (Nov. 26, 2002), E-mail from Garey Ruedy, Schmidt Music to the Commission (Dec. 3, 2002), E-mail from Alison Hulcher, Chief Information Officer, Marvin's, Inc., to the Commission (Dec. 3, 2002), E-mail from Barbara McBride, Communications Manager, Desert Schools Federal Credit Union to the Commission (Dec. 3, 2002), E-mail from Jim McDevitt, Golf Apparel Brands Inc. to the Commission (Dec. 5, 2002), E-mail from Constance C. Reese, Quantech to the Commission (Dec. 5, 2002), E-mail from Tom Gadd, Office Innovations, Inc to the Commission (Dec. 9, 2002), E-mail from Jay Monaghan, Chief Service Officer, Business Communications Management, to the Commission (Dec. 12, 2002), E-mail from Sheila Smith, National Communications Systems to the Commission (Dec. 12, 2002), E-mail from Jack Wheeler East Coast Communications to the Commission (Dec. 12, 2002), E-mail from Ted Schuman, CEO, PlanetOne to the Commission (Dec. 13, 2002).

⁶ Letter from Joel S. Winnick, Counsel for Cable & Wireless to Marlene H. Dortch, Secretary, Federal Communications Commission (Dec. 19, 2002).

⁷ Indeed, Cable and Wireless represented that customers had received notice of its intent to discontinue service as early as September 18, 2002, although the first notice compliant with our rules was sent November 19, 2002.

II. ORDERING CLAUSES

5. Accordingly, pursuant to sections 1, 4(1), and 214 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(1), 214, and sections 0.91, 0.291, and 63.71 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 63.71, IT IS ORDERED that the application of Cable & Wireless USA, Inc., to discontinue domestic voice telecommunications services on January 18, 2003, IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

William F. Maher, Jr.
Chief
Wireline Competition Bureau